

<b>BOARD OF APPEALS CASE NO. 5050</b>	*	<b>BEFORE THE</b>
<b>APPLICANT: Ray Renfrow</b>	*	<b>ZONING HEARING EXAMINER</b>
<b>REQUEST: Variance to construct a 1,200 square foot accessory structure in the Agricultural District; 5403 Broadway, White Hall</b>	*	<b>OF HARFORD COUNTY</b>
	*	
	*	<b>Hearing Advertised</b>
<b>HEARING DATE: July 19, 2000</b>	*	<b>Aegis: 6/7/00 &amp; 6/14/00</b>
	*	<b>Record: 6/9/00 &amp; 6/16/00</b>

\* \* \* \* \*

### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Ray W. Renfrow, is seeking a variance from the provisions of Section 267-26C(1) of the Harford County Code to allow construction of an accessory building, which exceeds 50% of the habitable space of the principal structure.

The subject property is located at 5403 Broadway, White Hall, MD 21161 and is more particularly identified on Tax Map 8, Grid 1C, Parcel 229. The property consists of 2.468 acres, more or less, is presently zoned AG Agricultural, and is located entirely within the Fourth Election District.

The Applicant, Mr. Ray Renfrow appeared before the Hearing Examiner and testified that he is the owner of the subject parcel and wishes to construct a storage building measuring 30 by 40 feet in dimension. The building will be used for storage and will have a basement. The proposed structure measures 1200 square feet while the principal residence is a 1500 square foot ranch house. The ranch house has various exterior improvements including decks, porches and patio areas which, when viewed from an aerial perspective, increase the footprint of the house to over 2400 square feet. The Applicant explained that there is no other practical location for such a storage building because of the location of the septic reserve system on the parcel. A smaller building that met the Code requirements would only be 600 square feet and would be more of a shed than a storage building. The witness pointed out that this is an agricultural part of the County and similar buildings exist in the neighborhood. The witness stated that he did not anticipate any adverse impact to neighboring properties or safety issues associated with the use. Additionally, he opined that any lesser approval would be impractical and deprive him of rights enjoyed by others in the neighborhood.

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There were no persons who appeared in opposition to the request. The Department of Planning and Zoning, in its staff report dated June 26, 2000, in recommending approval of the Applicant=s request, stated, “As the Applicant stated in his justification, the property is located in a farming community and buildings of this size are very common. The building will be used for storage and personal hobby use only. The building is to be located on the left of the dwelling next to an open field and away from the adjoining dwellings. The proposed structure will not adversely impact the adjoining properties and/or the intent of the Code.”

### **CONCLUSION:**

Section 267-26C(1) provides:

“In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to agricultural structures, nor does it affect the provisions of ' 267-24, Exceptions and modifications to minimum height requirements. No accessory structure shall be used for living quarters, the storage of contractors' equipment nor the conducting of any business unless otherwise provided in this Part 1.”

Section 267-11 provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

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The Hearing Examiner agrees with the statements of the Applicant and the Department of Planning and Zoning. The proposed structure is similar to other storage buildings in size, height and type as those commonly found in this area of Harford County. Its location will minimize any impacts and the Hearing Examiner finds that it will not result in any adverse impacts to adjacent properties nor will the purposes of the Code be impaired in any way. To impose a smaller size restriction on this structure would make it unusable for the Applicant's purposes and such a requirement would be capricious and unnecessary.

The Hearing Examiner recommends approval of the Applicant's request, subject to the following conditions:

1. The Applicant obtains all necessary permits and inspections.
2. The Applicant shall not use the building in furtherance of a business or as a dwelling unit.
3. The building will not be used for storage of contractor equipment or commercial vehicles.

Date JULY 26, 2000

William F. Casey  
Zoning Hearing Examiner